

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ROXANNE LYNNE HERCEG,

Debtor.

Chapter 13

Case No. 17-21194 TPA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, and THE UNITED STATES
TRUSTEE

Movants,

v.

NO RESPONDENT.

Document No. 99

Related to Document No. 37

**STIPULATION AND AGREED ORDER REGARDING
OBJECTION BY THE UNITED STATES TRUSTEE TO THE NOTICE OF
MORTGAGE PAYMENT CHANGE BY JPMORGAN CHASE BANK, N.A.**

The United States Trustee and JPMorgan Chase Bank, N.A. ("Chase" and, together with the United States Trustee, the "Parties"), respectfully submit this stipulation and agreed order.

WHEREAS, on March 28, 2017 (the "Petition Date"), Roxanne Lynne Herceg (the "Debtor") filed a voluntary petition for relief under chapter 13 of title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Western District of Pennsylvania (the "Court");

WHEREAS, on December 1, 2017, Chase filed a proof of claim as the holder of a note secured by a mortgage against the Debtor's residence, see Claim No. 15;

WHEREAS, on April 16, 2018, Chase filed a notice of mortgage payment change pursuant to Federal Rule of Bankruptcy Procedure 3002.1;

WHEREAS, on April 19, 2018, the United States Trustee objected to the notice of mortgage payment change, see Doc. No. 37 (the “Objection”);

WHEREAS, Chase’s deadline to respond to the Objection has been extended on multiple occasions to allow the parties to conduct discovery and to discuss an amicable resolution;

WHEREAS, on July 15, 2019, the Debtor filed a notice of conversion in accordance with section 1307(a) of the Bankruptcy Code converting this case to a case under chapter 7 of the Bankruptcy Code, see Doc. No. 87;

WHEREAS, on July 19, 2019, the Court entered an order converting this case to a case under chapter 7 of the Bankruptcy Code, see Doc. No. 90; and

WHEREAS, in light of the conversion of the Debtor’s chapter 13 case to a chapter 7 case, the parties have agreed to the withdrawal of the Objection without prejudice pursuant to the agreed terms provided herein.

NOW, THEREFORE, the Parties hereby stipulate and agree, subject to Court approval, that the Objection is withdrawn by the United States Trustee without prejudice to (i) the substantively similar objections filed by the United States Trustee to notices of mortgage payment change filed by Chase in other cases pending in the United States Bankruptcy Court for the Western District of Pennsylvania, and (ii) the United States Trustee’s right to reassert the Objection if the Debtor’s case reconverts from a chapter 7 case to a case under chapter 13 of the Bankruptcy Code.

Prepared by: Luke A. Sizemore, Reed Smith LLP

Consented to by: Norma Hildenbrand, Trial Attorney, United States Trustee.

Dated: July 24, 2019

AGREED TO AND ACCEPTED BY:

REED SMITH LLP

UNITED STATES TRUSTEE

/s/ Luke A. Sizemore

Luke A. Sizemore (PA I.D. No. 306443)
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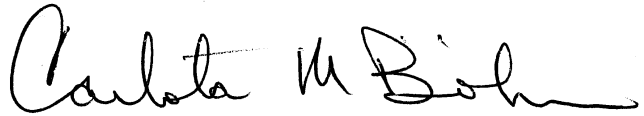
/s/ Norma Hildenbrand

Norma Hildenbrand, Trial Attorney
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Facsimile: (412) 644-4785

*Counsel to JPMorgan Chase Bank, National
Association*

United States Trustee

AND APPROVED BY THE COURT THIS 25th DAY OF July, 2019



UNITED STATES BANKRUPTCY COURT

FILED
7/25/19 1:24 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Roxanne Lynne Herceg
DebtorCase No. 17-21194-TPA
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dsaw
Form ID: pdf900Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 25, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 27, 2019.

db +Roxanne Lynne Herceg, 5465 Spruce Street, Bethel Park, PA 15102-2607

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 27, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 25, 2019 at the address(es) listed below:

Catherine T. Martin on behalf of Debtor Roxanne Lynne Herceg martinc@nlsa.us
 James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
 bkgroup@kmlawgroup.com
 Jeffrey R. Hunt on behalf of Creditor Municipality of Bethel Park jhunt@grblaw.com,
 cnoroski@grblaw.com
 Luke A. Sizemore on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
 lsizemore@reedsmith.com, slucas@reedsmith.com;bankruptcy-2628@ecf.pacerpro.com
 Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee
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 Robert Shearer information@robertshearer.com, rshearer@ecf.axosfs.com;rspclaw@gmail.com
 TOTAL: 7